

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re WELLS FARGO RESIDENTIAL
MORTGAGE LENDING DISCRIMINATION
LITIGATION

M: 08-CV-1930 MMC

**ORDER GRANTING PLAINTIFFS'
ADMINISTRATIVE MOTION FOR LEAVE
TO FILE SUR-REPLY; DENYING
WITHOUT PREJUDICE
ADMINISTRATIVE MOTION RE:
SEALING ORDER**

This Document Relates To:

ALL ACTIONS

/

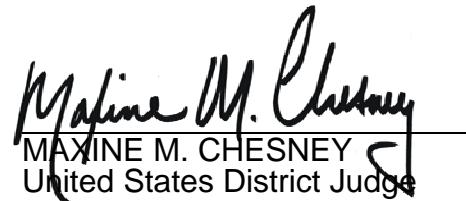
Before the Court is plaintiffs' "Administrative Motion Pursuant to N.D. Cal. L.R. 7-11 for Leave to File Sur-Reply in Response to Wells Fargo's Reply in Support of Objections to Magistrate's Order Denying Motion to Compel Further Discovery," filed April 29, 2009; defendant has filed a Statement of Non-Opposition. Also before the Court is plaintiffs' "Administrative Motion Re: Sealing Order," filed April 29, 2009, by which plaintiffs, in the event the Court affords plaintiffs leave to file a sur-reply, seek leave to file under seal the entirety of the Declaration of Gary Klein in support of the sur-reply; defendant has not filed a response thereto. Having read and considered the above-referenced filings, the Court rules as follows.

Plaintiffs' motion for leave to file a sur-reply is hereby GRANTED. Plaintiffs shall file their surreply no later than May 20, 2009.

1 Plaintiffs' motion for leave to file under seal the entirety of the Declaration of Gary
2 Klein is, however, DENIED, as plaintiffs have failed to show, and, indeed, do not contend,
3 the entirety of the declaration and the entirety of each exhibit attached thereto is
4 confidential. Plaintiffs are not entitled to file an entire document under seal on the ground
5 some portion thereof may be confidential. See Civil L.R. 79-5(a) (providing motion to file
6 document under seal "must be narrowly tailored to seek sealing only of sealable material").¹
7 As it appears some portion of the declaration and/or attached exhibits could, arguably, be
8 confidential, the Court will afford plaintiffs leave to file a renewed administrative motion for
9 leave to file under seal an unredacted version of the Declaration of Gary Klein. Plaintiffs
10 must, however, file in the public record, no later than May 20, 2009, a redacted version of
11 said declaration.

12 **IT IS SO ORDERED.**

13
14 Dated: May 13, 2009
15



MAXINE M. CHESNEY
United States District Judge

25 ¹Contrary to plaintiffs' motion, the Protective Order filed May 23, 2008 does not
26 provide that "any motion, pleading or other submission that contains or attaches
27 Confidential Material must be filed under seal." (See Pls.' Admin. Mot. Re: Sealing Order at
28 1:28 - 2:1.) Rather, the Protective Order provides that "[a]ny motion, pleading or other
submission that contains or attaches Confidential Material shall be filed in accordance with
the requirements of Local Rule 79-5" (see Protective Order at 5:3-5); as discussed above,
plaintiffs have not complied with said Rule.